

**CHAMBER'S COPY
E-FILED**

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 168973)
Chief, Criminal Division

KESLIE STEWART (CABN 184090)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, CA 94612
Telephone: (510) 637-3680
Fax: (510) 637-3724
E-Mail: Keslie.Stewart@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER JENS SCOTT,

Defendants.

No. CR 09-01170 PJH

STIPULATION AND ~~RECEIVED~~
ORDER CONTINUING HEARING DATE
AND EXCLUDING TIME FROM
JANUARY 27, 2010, TO FEBRUARY 24,
2010, FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(7)(A) and (B)(iv))

PROPOSED ORDER

This matter is on the Court's calendar for trial setting on January 27, 2010. At the last hearing, defense counsel indicated that she needed additional time to locate a witness. The defense witness is now living out of state and the parties need additional time to arrange a meeting with her. The government is also still waiting on results of DEA drug tests that will reveal the purity of the methamphetamine alleged in the indictment. For these reasons, the parties jointly request that this matter be continued to February 24, 2010, to allow the parties time to interview witnesses and obtain additional discovery necessary for trial. The parties

1 further jointly stipulate and request that the time from January 27, 2010, to February 24, 2010
2 should be excluded from the Speedy Trial Act calculation for effective preparation and continuity
3 of defense counsel because the ends of justice served by the continuance outweigh the interest of
4 the public and the defendant in a speedy trial.

5 STIPULATED:

6 DATED: January 15, 2010


7 /s/
JOYCE LEAVITT
Attorney for Defendant Scott

8
9 DATED: January 15, 2010

10 /s/
KESLIE STEWART
Assistant United States Attorney

11 **IT IS HEREBY ORDERED** that this matter is continued to February 24, 2010 at 1:30
12 p.m. for trial setting and that the period of time between January 27 and February 24, 2010, is
13 excluded from the Speedy Trial Clock, because failure to grant such an exclusion would deny the
14 defendant continuity of counsel and time for effective preparation. *See* 18 U.S.C. § 3161(h)(7)(A)
15 and (B)(iv). The Court finds that the ends of justice served by the granting of such continuance
16 outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. §
17 3161(h)(7)(A).

18
19 DATED: January 19, 2010

20 
PHYLLIS J. HAMILTON
United States District Judge